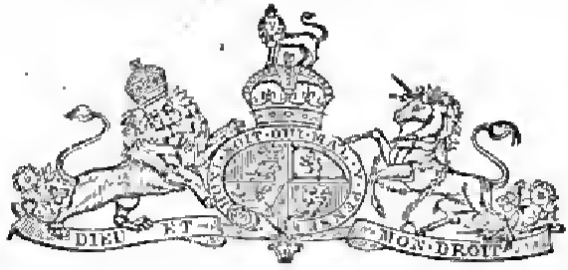

THE FORT ST. GEORGE GAZETTE

EXTRAORDINARY.

Published by Authority.

No. 14.] OOTACAMUND, WEDNESDAY, AUGUST 12, 1914. [Price, 1 anna.

PUBLIC DEPARTMENT.

NOTIFICATION.

OOTACAMUND, THE 12TH AUGUST 1914.

The following notifications of the Government of India are republished for general information :—

DEPARTMENT OF COMMERCE AND INDUSTRY.

COMMERCE AND TRADE.

Simla, the 7th August 1914.

No. 6883.—The following Royal Proclamation setting forth the Law and Policy with regard to Trading with the Enemy, is published for general information :—

BY THE KING.

A PROCLAMATION.

GEORGE R.I.

WHEREAS a state of war exists between Us and the German Emperor, and whereas it is contrary to law for any person resident, carrying on business, or being in OUR Dominions to trade or have any commercial intercourse with any person resident, carrying on business, or being in the German Empire without OUR permission :

AND whereas it is therefore expedient and necessary to warn all persons resident, carrying on business, or being in OUR Dominions of their duties and obligations towards US, OUR Crown, and Government :

Now, therefore, WE have thought fit, by and with the advice of OUR Privy Council, to issue this OUR Royal Proclamation, and WE do hereby warn all persons resident, carrying on business, or being in OUR Dominions :

Not to supply to or obtain from the German Empire, any goods, wares, or merchandise, or to supply to or obtain the same from any person resident, carrying on business, or being therein, nor to supply to or obtain from any person any goods,

wares, or merchandise for or by any way of transmission to or from the German Empire, or to or from any person resident, carrying on business, or being therein, nor to trade in or carry any goods, wares, or merchandise destined for or coming from the German Empire, or for or from any person resident, carrying on business, or being therein:

Nor to permit any British ship to leave for, enter, or communicate with any port or place in the German Empire:

Nor to make or enter into any new marine, life, fire, or other policy or contract of insurance with or for the benefit of any person resident, carrying on business, or being in the German Empire, nor under any existing policy or contract of insurance to make any payment to or for the benefit of any such person in respect of any loss due to the belligerent action of His Majesty's forces or of those of any Ally of His Majesty:

Nor to enter into any new commercial, financial, or other contract or obligation with or for the benefit of any person resident, carrying on business, or being in the German Empire:

And We do hereby further warn all persons that whoever in contravention of the law shall commit, aid, or abet any of the aforesaid acts will be liable to such penalties as the law provides:

And We hereby declare that any transactions to, with, or for the benefit of any person resident, carrying on business, or being in the German Empire, which are not treasonable and are not for the time being expressly prohibited by Us either by virtue of this Proclamation or otherwise, and which but for the existence of the state of war aforesaid would be lawful, are hereby permitted:

And We hereby declare that the expression "person" in this Proclamation shall include any body of persons corporate or unincorporate, and that where any person has or had an interest in houses or branches of business in some other country as well as in Our Dominions, this Proclamation shall not apply to the trading or commercial intercourse carried on by such person solely from or by such houses or branches of business in such other country.

Given at Our Court at Buckingham Palace this fifth day of August in the year of Our Lord one thousand nine hundred and fourteen, and in the fifth year of Our Reign.

GOD SAVE THE KING.

R. E. ENTHOVEN,
Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 7th August 1914.

ORDINANCE FOR SECURING THE CONTROL OF THE PRESS DURING WAR.

Whereas an emergency has arisen which makes it necessary to control the publication of naval or military news or information;

Act. Now, therefore, in exercise of the power conferred by section 23 of the Indian Councils Act, 1861, the Governor-General is pleased to make and promulgate the following ordinance:—

ORDINANCE No. I OF 1914.

Short title and extent. 1. (*1*) This Ordinance may be called the Indian Naval and Military News (Emergency) Ordinance, 1914.

(*2*) It extends to the whole of British India, including British Baluchistan, the Southal Parganas, the District of Angul, the Shan States and the Pargana of Spiti; and it applies also to:—

(*a*) All Native Indian subjects of His Majesty in any place without and beyond British India;

(*b*) All other British subjects within the territories of any Native Prince or Chief in India; and

(*c*) All servants of His Majesty, whether British subjects or not, within the territories of any Native Prince or Chief in India.

Prohibition of publication of naval or military news or information.

2. It shall not be lawful to publish any information with reference to movements or dispositions of troops, ships, air-craft or war material or to the strategic or other plans or schemes of the naval or military authorities of any part of the British Empire or to any works or measures undertaken for or connected with the defence or fortification of the British Empire or any part thereof or any statement, comment or suggestion calculated directly or indirectly to convey any such information except when such information has been supplied for publication under the authority of the Governor-General in Council or of a Local Government, or has been approved for publication by an officer appointed in this behalf,

(*a*) by the Governor-General in Council; or

(*b*) by any officer to whom the Governor-General in Council has delegated the power of such appointment.

Explanation.—In this section the expression "British Empire" includes all territories under the suzerainty or protection of His Majesty.

Penalties.

3. The publisher, editor and printer of any newspaper, magazine, book, pamphlet or other document by means of which any information, statement, comment or suggestion is published in contravention of this ordinance shall severally be punishable in respect of each offence with imprisonment of either description for a term which may extend to one year or with fine which may extend to five thousand rupees or with both and any other person who sells any newspaper, magazine, book, pamphlet or other document knowing it to contain any such information, statement, comment or suggestion or who is otherwise knowingly responsible for the publication of any such information, statement, comment or suggestion shall be liable to a similar penalty.

Restriction on trial of offences.

4. (*1*) No court shall proceed to the trial of any offence punishable under this ordinance unless upon complaint made by order of or under authority from, the Governor-General in Council, the Local Government or some officer empowered by the Governor-General in Council in this behalf.

(*2*) No magistrate other than a presidency magistrate, district magistrate, or sub-divisional magistrate shall take cognizance of or try any offence punishable under this ordinance.

Power of police officer to seize documents publishing information in contravention of this ordinance.

5. Any police officer may seize any newspaper, magazine, book, pamphlet or other document in which any information, statement, comment or suggestion is published in contravention of this ordinance and such officer shall forward anything seized to a presidency magistrate, district magistrate, or sub-divisional magistrate, having jurisdiction in the place where such thing was seized.

Powers of magistrate to confiscate documents published in contravention of ordinance.

6. (*1*) Whenever any newspaper, magazine, book, pamphlet or other document is published in contravention of this ordinance a presidency magistrate, district magistrate or sub-divisional magistrate may, whether the offender is convicted or not, order that all copies of such newspaper, magazine, book, pamphlet or other document within the limits of his jurisdiction shall be confiscated.

(*2*) A magistrate making an order under sub-section (*1*) may issue a warrant to any police officer to seize and detain any thing confiscated under that sub-section and to search for such thing in any place where such thing is known or reasonably suspected to be.

Power of magistrate to issue search warrants and order confiscation in certain cases.

7. (*1*) Whenever a presidency magistrate, district magistrate, or sub-divisional magistrate is satisfied from a police report or otherwise that any information, statement, comment or suggestion is being or is likely to be published in contravention of this ordinance within the limits of his jurisdiction he may issue a warrant to

a police officer to search for, seize and detain any document containing such information, statement, comment or suggestion.

(2) Such magistrate may order that anything seized under a warrant issued under sub-section (1) shall be confiscated.

Power of police officer executing search warrant.

8. A police officer to whom a warrant under section 6 or section 7 is directed may search in any place and seize and detain anything in accordance with the provisions of the warrant and shall forward anything seized to the magistrate by whom the warrant was issued.

Bar of jurisdiction of courts.

9. No order made or purporting to be made in accordance with the provisions of this ordinance directing or relating to the issue of a search warrant or the confiscation of anything shall be called in question in any court, and no civil or criminal proceeding shall be instituted against any magistrate or police officer for anything done in good faith under this ordinance or purporting to be so done.

Certificate by Secretary to Government to be evidence of certain facts.

10. A certificate signed by a Secretary to the Government of India to the fact that any territory is or is not under the suzerainty or protection of His Majesty shall in any proceeding under this ordinance be conclusive evidence of such fact.

Application of Code of Criminal Procedure, 1898, to proceedings under this ordinance.

V of 1898

11. Save as otherwise expressly provided the provisions of the Code of Criminal Procedure, 1898, shall apply to all proceedings under this ordinance.

HARDINGE OF PENSHURST,
Viceroy and Governor-General.

W. H. VINCENT,
Secretary to the Government of India.

(Republished by order of the Governor in Council.)

A. BUTTERWORTH,
Ag. Chief Secretary.

FINANCIAL DEPARTMENT.

NOTIFICATION.

OOTACAMUND, THE 12TH AUGUST 1914.

The following notification of the Government of India is republished for general information :—

FINANCE DEPARTMENT.

ACCOUNTS AND FINANCE.

MISCELLANEOUS.

Simla, the 7th August 1914.

No. 1100-F.—The following Royal Proclamation is published for general information :—

BY THE KING

A PROCLAMATION.

WHEREAS a state of war exists between Us and the German Emperor.

And whereas it constitutes adherence to OUR enemies for any of OUR subjects or persons resident or being in OUR dominions during the continuance of the state of war to contribute to or participate in or assist in the floating of any loan by the

Government of the said Emperor or to advance money to or enter into any contract or dealings whatsoever with the said Emperor or his Government (save upon Our command), or otherwise to aid, abet, or assist the said Government.

Now, therefore, We do hereby warn all Our subjects and all persons resident or being in Our dominions who may be found doing or attempting any of such treasonable acts as aforesaid that they will be liable to be apprehended and dealt with as traitors, and will be proceeded against with the utmost rigour of the law.

Given at Our Court at Buckingham Palace this fifth day of August in the year of Our Lord, one thousand nine hundred and fourteen and in the fifth year of Our Reign.

GOD SAVE THE KING.

J. B. BRUNYATE,
Secretary to the Government of India.

(Republished by order of the Governor in Council.)

A. BUTTERWORTH,
Ag. Chief Secretary.

REVENUE DEPARTMENT.

NOTIFICATION.

OOTACAMUND, THE 12TH AUGUST 1914.

The following notifications of the Government of India are republished for general information:—

DEPARTMENT OF COMMERCE AND INDUSTRY.

CUSTOMS.

Simla, the 6th August 1914.

No. 6808.—The following Royal Proclamation is published for general information:—

BY THE KING.

A PROCLAMATION.

WHEREAS a state of war exists between Us on the one hand and the German Empire on the other hand and whereas it is necessary to specify the articles which it is Our intention to treat as contraband of war. Now, therefore, We do hereby declare by and with the advice of Our Privy Council that during continuance of the war or until We do give further public notice the articles enumerated in Schedule 1 hereto will be treated as absolute contraband, and the articles enumerated in Schedule 2 hereto will be treated as conditional contraband.

Given at Our Court at Buckingham Palace this fifth day of August in the year of Our Lord, one thousand nine hundred and fourteen and in the fifth year of Our Reign.

GOD SAVE THE KING.

Definition of Contraband of War.

The term "Contraband of War" only includes articles having belligerent destination and purpose. Such articles are classed under two heads. Absolute contraband and conditional contraband.

Where contraband of war is found on board a vessel, any goods which belong to the owner of the contraband and are on board the same vessel are liable to condemnation.

SCHEDULE 1.

Absolute Contraband.

"Absolute contraband" consists of the following articles as enumerated in the list contained in Article 22 of the Declaration of London, that is to say :—

(1) Arms of all kinds, including arms for sporting purposes, and their distinctive component parts;

(2) Projectiles, charges, and cartridges of all kinds, and their distinctive component parts;

(3) Powder and explosives specially prepared for use in war;

(4) Gun-mountings, limber boxes, limbers, military waggons, field forges, and their distinctive component parts;

(5) Clothing and equipment of a distinctive military character;

(6) All kinds of harness of a distinctively military character;

(7) Saddle, draught, and pack animals suitable for use in war;

(8) Articles of camp equipment and their distinctive component parts;

(9) Armour plates;

(10) Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war;

(11) Aeroplanes, airships, balloons, and air craft of all kinds and their component parts together with accessories and articles recognisable as intended for use in connection with balloons and air craft;

(12) Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war materials for use on land or sea.

Articles of absolute contraband are liable to capture as contraband of war when destined to territory belonging to, or occupied by, the enemy, or to the fleets or armies of the enemy.

SCHEDULE 2.

Conditional Contraband.

Conditional contraband consists of the following articles as enumerated in the lists contained in Article 24 of the Declaration of London, that is to say :—

(1) Foodstuffs;

(2) Forage and grain, suitable for feeding animals;

(3) Clothing, fabrics for clothing, and boots and shoes, suitable for use in war;

(4) Gold and silver in coin or bullion, paper money;

(5) Vehicles of all kinds available for use in war, and their component parts;

(6) Vessels, craft, and boats of all kinds, floating docks, parts of docks, and their component parts;

(7) Railway material, both fixed and rolling-stock, and material for telegraphs, wireless telegraph, and telephones;

(8) Fuel; lubricants;

(9) Powder and explosives not specially prepared for use in war;

(10) Barbed wire and implements for fixing and cutting same;

(11) Horseshoes and shoeing materials;

(12) Harness and saddlery;

(13) Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

Articles of conditional contraband are only liable to capture as contraband of war when shown to be destined for the use of the fleets or armies of the enemy or of a Government department of the enemy State.

Simla, the 7th August 1914.

No. 6878.—The following Royal Proclamation is published for general information :—

BY THE KING.

A PROCLAMATION.

WHEREAS by the 8th section of "The Customs and Inland Revenue Act, 1879," it is enacted that WE may, by Proclamation, or Order in Council, prohibit the exportation of arms, ammunition and gunpowder, military and naval stores, and any articles which WE shall judge capable of being converted into, or made useful in, increasing the quantity of military or naval stores, provisions, or any sort of victual which may be used as food for man.

AND whereas WE, by, and with, the advice of OUR Privy Council, deem it expedient and necessary that WE should exercise such power of prohibition in manner hereinafter appearing.

NOW WE, by, and with, the advice aforesaid, do hereby order and direct that from, and after, the date hereof the following goods, being articles which WE have judged capable of being converted into, or made useful in, increasing the quantity of military or naval stores, that is to say :—

Forage and food of all kinds for animals ;

Provisions and victual of all kinds which may be used as food for men ;

shall be, and the same are hereby prohibited to be exported from the United Kingdom.

GIVEN at OUR Court at Buckingham Palace this fifth day of August in the year of OUR LORD, one thousand nine hundred and fourteen and in the fifth year of OUR Reign.

GOD SAVE THE KING.

R. E. ENTHOVEN,
Secretary to the Government of India.

(Republished by order of the Governor in Council.)

L. DAVIDSON,
Ag. Secretary to Government.

OOTACAMUND: PRINTED AND PUBLISHED AT THE GOVERNMENT BRANCH PRESS.